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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,794	10/12/2000	Matthew Parrish	10002096-1	8526

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EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,794

Applicant(s)

PARRISH ET AL.

Examiner

Oanh L. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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Claims 1-21 are presented for examination.

Claim Objections

1. Claims 3, 12 and 20 are objected to because of the following informalities: the Acronym "BIT" is not defined by the claims. Appropriate correction is required.

Specification Objection

2. The disclosure is objected to because of the following informalities: some typographical errors have been found (e.g., "t" should be "to" in page 9 at lines 23).
Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 18 recites the limitation "the capability" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The term "substantially" in claim 8 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 8-9, 12, 15-17 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al (Davis) (US 2002/0099812 A1).

Regarding claims 1, 9 and 21, Davis teaches a method for tracking the use of a web tool by a web user (see page 2 paragraph 14), comprising providing a web user through a web user computer access to a web tool (see page 4 paragraphs 39-40); transmitting to the web user computer one or more web page files in connection with the user accessing the web tool (see page 5 paragraph 44); and inserting within at least one of the web page files a command having embedded user information associated with the web user's use of the web tool (see col. page 6 paragraph 57), the command causing the web user computer to transmit to a server, designated within the command, a request that includes the embedded user information, wherein the user information is stored in a database in response to the request being processed by the designated server (see page 5 paragraph 51).

Regarding claims 2, 3, 12, and 15, Davis teaches a mark up language image tag (see page 2 paragraph 12).

Regarding claim 4, Davis teaches web tool is provided to a plurality of web users (see fig. 1) with each user receiving at least one web page having a command with embedded user information, wherein the user information for each user is transmitted to the designated server (see page 5 paragraph 51, and page 6 paragraph 57).

Regarding claim 5, Davis teaches user information is stored in a file within the designated server (see page 7 paragraph 62).

Regarding claim 8, Davis teaches inserting the command in the at least one web page file so that it causes no error graphic to be displayed to the user in response to an image file designated with the command not being retrieved (see col. see page 6-7 paragraph 59).

Regarding claim 15, Davis discloses mark-up language tag (see page 4 paragraph 41).

Regarding claim 16, Davis discloses HTML image tag (see page 2 paragraph 12).

Regarding claim 17, Davis teaches Web tool server and designated server are implemented in the same server (see page 4 paragraph 40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 7, 10, 11, 13 and 14, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Morimoto at al (Morimoto) (US 6,397,244).

Regarding claims 6, 7, 11, 13 and 14, Davis teaches the request is a request for retrieving an image file from the designated server (see pages 67 paragraph 59). Davis does not teach an Internet program as claimed. However, Morimoto teaches an Internet program with an error log (see col.5 lines 12-49 and col. 8 lines 27-45). Therefore, it would have been obvious to have used the program in Davis as taught by Morimoto because such program would enable error analysis information to be utilized for analysis of the cause of an error upon occurrence of error.

Regarding claim 10, Davis does not teach an error log as claimed. However, Morimoto teaches database is an error log (see fig. 1 col. 5 lines 12-15). Therefore, it would have been obvious to have used database in Davis as taught by Morimoto because such database would provide the data file for storing error analysis information to be utilized for analysis of the cause of an error upon occurrence of error.

Regarding claims 18, Davis teaches a web tool system having capacity of tracking a user's use of a web tool (see page 2 paragraph 14), comprising a web tool server (server 10) communicatively linked to a web user computer for providing a web user with access to a web tool (see page 4 paragraphs 39-40), the web tool server having a web tool program for generating and providing to the web user computer one or more web page files in connection with the web user engaging a session with the web tool (see page 5 paragraph 44); and a user information database server commutatively linked to the designated server, wherein the web tool program inserts

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into at least one of the web page files a command having embedded user information associated with the web user's use of the web tool (see col. page 6 paragraph 57), the command causing the web user computer to transmit to a server, designated within the command, a request that includes the embedded user information, wherein the user information is stored in a database in response to the request being processed by the designated server (see page 5 paragraph 51). Davis does not teach a web server with an error log as claimed. However Morimoto teaches a web server with an error log (see col. 5 lines 12-15), Therefore, it would have been obvious to have used web server with an error log in Davis as taught by Morimoto because such an error log would provide the data file for storing error analysis information to be utilized for analysis of the cause of an error upon occurrence of error.

Regarding claim 19, Davis discloses transferring user information into the user information database (see page 6 paragraph 57).

Regarding claim 20, Davis teaches BIT tag (see page 2 paragraph 12).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz sheikh can be reached on (703) 305-9648. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

cal

O.D
March 17, 2003

Ayaz Sheikh
AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100